

1 COUGHLIN STOIA GELLER
RUDMAN & ROBBINS LLP
2 JOHN K. GRANT (169813)
SHAWN A. WILLIAMS (213113)
3 MONIQUE C. WINKLER (213031)
AELISH M. BAIG (201279)
4 100 Pine Street, Suite 2600
San Francisco, CA 94111
5 Telephone: 415/288-4545
415/288-4534 (fax)
6 johng@csgrr.com
shawnw@csgrr.com
7 mwinkler@csgrr.com
abaig@csgrr.com

E-FILED - 2/6/08

8 Lead Counsel for Plaintiffs

9 [Additional counsel appear on signature page.]

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN JOSE DIVISION
13

14 In re EXTREME NETWORKS, INC.
SHAREHOLDER DERIVATIVE
15 LITIGATION

16 _____
This Document Relates To:
17 ALL ACTIONS.
18 _____

) No. C-07-02268-RMW
)
) STIPULATION AND [] ORDER
) EXTENDING DEADLINES FOR BRIEFING
16 ON DEFENDANTS' MOTION TO DISMISS
) AND SETTING SCHEDULE FOR SECOND
17 AMENDED CONSOLIDATED
) COMPLAINT
18)
19)
20)
21)
22)
23)
24)
25)
26)
27)
28)

1 WHEREAS, Lead Plaintiff filed his First Amended Consolidated Complaint in this action on
2 October 11, 2007;

3 WHEREAS, Defendant Extreme Networks, Inc. ("Extreme") filed its Motion to Dismiss and
4 supporting papers on November 26, 2007, contending that Lead Plaintiff lacks standing to sue in this
5 derivative action and has not alleged facts showing that pre-litigation demand upon Extreme's Board
6 of Directors was excused as required under Federal Rules of Civil Procedure 23.1;

7 WHEREAS, Lead Plaintiff's Opposition to Extreme's Motion to Dismiss in this action is due
8 Friday, January 25, 2007;

9 WHEREAS, the court has set a hearing date for Extreme's Motion to Dismiss for March 14,
10 2008 at 9:00 a.m.;

11 WHEREAS, Lead Plaintiff has requested an agreement from Defendants allowing Lead
12 Plaintiff leave to amend the First Amended Consolidated Complaint in order to address the
13 arguments raised in Extreme's Motion to Dismiss;

14 WHEREAS, Defendants agree, subject to Court approval, that Lead Plaintiff may be granted
15 leave to file a Second Amended Complaint in an effort to address the arguments raised in Extreme's
16 Motion to Dismiss;

17 WHEREAS, in the event the Court grants a renewed motion to dismiss as to the Second
18 Amended Complaint, Defendants will contend, and plaintiffs may oppose, that further leave to
19 amend should be denied by the Court;

20 WHEREAS, the parties have met and conferred and agree that Lead Plaintiff shall no later
21 than February 25, 2008 file a Second Amended Consolidated Complaint;

22 WHEREAS, there has been one previous continuance sought in connection with the briefing
23 related to Extreme's Motion to Dismiss, and the agreed-upon schedule is not for the purpose of
24 delay, promotes judicial efficiency, and will not cause prejudice to any party,

25 THEREFORE, IT IS STIPULATED AND AGREED by Lead Plaintiff and Defendants,
26 through their respective counsel of record, and subject to the approval of the Court as follows:

1 **SCHEDULE**

2 Lead Plaintiff shall have until no later than February 25, 2008 to file a Second Amended
3 Consolidated Complaint. Defendants shall file and serve an answer or motion attacking the Second
4 Amended Consolidated Complaint no later than April 10, 2008. The hearing currently scheduled for
5 March 14, 2008 is hereby VACATED.

6 IT IS SO STIPULATED.

7 DATED: January 24, 2008

8
9 COUGHLIN STOIA GELLER
10 RUDMAN & ROBBINS LLP
11 JOHN K. GRANT
12 SHAWN A. WILLIAMS
13 MONIQUE C. WINKLER
14 AELISH M. BAIG

15 /s/ Shawn A. Williams
16 SHAWN A. WILLIAMS

17 100 Pine Street, Suite 2600
18 San Francisco, CA 94111
19 Telephone: 415/288-4545
20 415/288-4534 (fax)

21 COUGHLIN STOIA GELLER
22 RUDMAN & ROBBINS LLP
23 DARREN J. ROBBINS
24 TRAVIS E. DOWNS III
25 KATHLEEN A. HERKENHOFF
26 JAMES I. JACONETTE
27 BENNY C. GOODMAN III
28 MARY LYNNE CALKINS
655 West Broadway, Suite 1900
San Diego, CA 92101
Telephone: 619/231-1058
619/231-7423 (fax)

Lead Counsel for Plaintiffs

1 MORGAN, LEWIS & BOCKIUS LLP
2 JOHN H. HEMANN
3 JOSEPH E. FLOREN
4 JONATHAN M. DEGOOYER
5 LAURA A. LEE

6 /s Joseph E. Floren
7 JOSEPH E. FLOREN

8 One Market, Spear Street Tower
9 San Francisco, CA 94105-1126
10 Telephone: 415/442-1000
11 415/442-1001 (fax)

12 Attorneys for Nominal Defendant Extreme
13 Networks, Inc.

14 I, Shawn A. Williams, am the ECF User whose ID and password are being used to file this
15 Stipulation and [Proposed] Order Extending Deadlines for Briefing on Defendants' Motion to
16 Dismiss and Setting Schedule for Second Amended Consolidated Complaint. In compliance with
17 General Order 45, X.B., I hereby attest that Joseph E. Floren of Morgan, Lewis & Bockius LLP has
18 concurred in this filing.

19 * * *

20 **ORDER**

21 PURSUANT TO STIPULATION, IT IS SO ORDERED.

22 DATED: 2/6/08

23 *Ronald M. Whyte*
24 THE HONORABLE RONALD M. WHYTE
25 UNITED STATES DISTRICT JUDGE

26 T:\CasesSF\Extreme Networks\STP00048454.doc

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on January 24, 2008.

SHAWN A. WILLIAMS

**COUGHLIN STOIA GELLER
RUDMAN & ROBBINS LLP**
100 Pine Street, 26th Floor
San Francisco, CA 94111
Telephone: 415/288-4545
415/288-4534 (fax)
E-mail: ShawnW@csgrr.com

Mailing Information for a Case 5:07-cv-02268-RMW

Electronic Mail Notice List

The following are those who are currently on the list to receive e-mail notices for this case.

- **Aelish Marie Baig**
AelishB@csgrr.com
- **Robert Bramson**
rbramson@bramsonplutzik.com
- **Jonathan DeGooyer**
jdegooyer@morganlewis.com,lwalker@morganlewis.com
- **Joseph Edward Floren**
jfloren@morganlewis.com,rluke@morganlewis.com
- **John Henry Hemann**
jhemann@morganlewis.com,ycano@morganlewis.com
- **Laura Alexis Lee**
llee@morganlewis.com
- **Alan R Plutzik**
aplutzik@bramsonplutzik.com
- **Alan Roth Plutzik**
aplutzik@bramsonplutzik.com
- **Emanuel Shachmurove**
mshachmurove@sbtclaw.com
- **Shawn A. Williams**
shawnw@csgrr.com,khuang@csgrr.com,moniquew@csgrr.com,e_file_sf@csgrr.com,cwood@csgrr.com
- **Eric L. Zagar**
ezagar@sbtclaw.com,kpopovich@sbtclaw.com,der_filings@sbtclaw.com,rwinchester@sbtclaw.com

Manual Notice List

The following is the list of attorneys who are **not** on the list to receive e-mail notices for this case (who therefore require manual noticing). You may wish to use your mouse to select and copy this list into your word processing program in order to create notices or labels for these recipients.

L Timothy Fisher
Schiffrein Barroway Topaz & Kessler LLP

2125 Oak Grove Road
Suite 102
Walnut Creek, Ca 94598

Eric Lechtzin

Schiffrin Barroway Topaz Kessler LLP
280 King of Prussia Road
Radnor, PA 19087

Laura A Lee

Morgan Lewis & Bockius LLP
One Market
Spear Street Tower
San Francisco, CA 94105